



DAC #12

Attorney's Packet No. 170-00-004 (260825)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Kenneth W. Henry, et al. Confirmation No.: 2849
Appl. No.: 10/053,183 Group Art Unit: 3661
Filed: November 9, 2001
For: SYSTEM AND METHOD FOR PERFORMANCE
MONITORING OF OPERATIONAL EQUIPMENT USED WITH MACHINES

April 2, 2003

Commissioner for Patents
BOX DAC
Washington, DC 20231

RECEIVED

APR 11 2003

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.47(a)

OFFICE OF PETITIONS

Sir:

In response to the Notice of Missing Parts, a Declaration was filed on April 15, 2002 that had been signed by two of the three inventors, namely, Kenneth Henry and Todd Inskeep. However, the third inventor, James A. Rhoden, was deceased. Since the executor or other legal representative of the estate of James Rhoden could not be located at the time of responding to the Notice of Missing Parts, a Petition To File Application On Behalf Of Inventor Under 37 C.F.R. § 1.47(a) was also filed.

On July 8, 2002, a Decision Refusing Status Under 37 C.F.R. § 1.47(a) was issued indicating that the Petition lacked several of the required elements. A Request For Reconsideration Of Petition Under 37 C.F.R. § 1.47(a) was then filed on October 3, 2002. The Request For Reconsideration enclosed a Combined Declaration for Patent Application and Power of Attorney that had been executed by Robert Desmond, Chief Intellectual Property Counsel - Engines, Systems & Services, on behalf of Honeywell International Inc., the assignee of the present invention, which had previously been appointed the attorney-in-fact of the deceased inventor, James Rhoden. As indicated by the Decision Refusing Status Under 37 C.F.R. § 1.47(a) issued February 6, 2003, however, this initial Request For Reconsideration was also found to be ineffective.

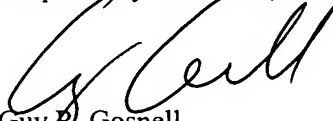
In response to the Decision Refusing Status Under 37 C.F.R. § 1.47(a) dated February 6, 2003, contact was again made with the widow of the deceased inventor, namely, Bernice Rhoden. Bernice Rhoden is now the executrix of the estate of the deceased inventor, James Rhoden. As such, Bernice Rhoden has signed the Combined Declaration for Patent Application and Power of Attorney on behalf of James Rhoden in her capacity as the executrix of his estate. A copy of the fully executed Declaration is therefore enclosed herewith in completion of the filing requirements and in satisfaction of the Notice of Missing Parts. It is noted that the Combined Declaration for Patent Application and Power of Attorney also provides the mailing and residential address and citizenship of Bernice Rhoden in the block

designated 202 that is associated with the deceased inventor, James Rhoden. In this regard, the mailing and residential address is 2701 E. Lupine, Phoenix, Arizona 85028 and Bernice Rhoden is a U.S. citizen.

Since a fully executed Combined Declaration for Patent Application and Power of Attorney is submitted herewith, Applicants submit that all documents or other items required to complete the filing of the patent application and to fully respond to the Notice of Missing Parts have now been submitted such that examination of the application can commence. If the Office of Petitions has any further questions regarding this matter, however, the Office is encouraged to contact Applicants' undersigned representative such that any remaining issues can be addressed in an expeditious manner.

It is not believed that extensions of time or other fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time or other fees are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

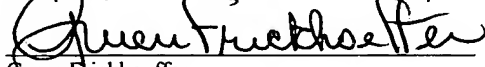


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:
Commissioner for Patents, Washington, DC 20231,
on April 2, 2003.



Owen Frickhoeffer

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